

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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In re: Bair Hugger Forced Air Warming  
Products Liability Litigation

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MDL No. 15-2666 (JNE/DTS)

This Document Relates To:

*Norton*, 16-cv-0026-JNE-DTS  
*Brunner*, 16-cv-2880-JNE-DTS  
*Wireman et al.*, 16-cv-3293-JNE-DTS  
*Wollam*, 17-cv-0039-JNE-DTS  
*Schilawski*, 17-cv-0352-JNE-DTS  
*Miles et al.*, 17-cv-1235-JNE-DTS  
*Martz*, 17-cv-1528-JNE-DTS  
*Laws*, 17-cv-2518-JNE-DTS  
*Trinder*, 17-cv-2874-JNE-DTS  
*Fletcher*, 17-cv-3262-JNE-DTS  
*Torbeck et al.*, 17-cv-4054-JNE-DTS  
*Davis*, 18-cv-0166-JNE-DTS

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**MEET AND CONFER STATEMENT  
REGARDING DEFENDANTS'  
EIGHTH MOTION TO DISMISS  
CASES FOR FAILURE TO  
COMPLY WITH PRETRIAL  
ORDER NO. 23, AND FED. R.  
CIV. P. 41(b), AND/OR 25(a)**

The undersigned counsel for Defendants 3M Company and Arizant Healthcare Inc. (collectively “Defendants”) certifies that counsel for Defendants met and conferred with counsel for Plaintiffs in the above-referenced matters as follows:

1. On April 9, 2019, Defendants’ counsel sent emails to counsel at each of the firms representing the above plaintiffs requesting that they stipulate to a dismissal with prejudice of plaintiffs’ actions by 5:00 p.m. on April 10, 2019. Defendants’ counsel

indicated that if an agreement was not reached, Defendants would file a motion to dismiss the cases with prejudice.

2. On April 9, 2019, Defendants' counsel received a response from counsel for *Wireman*, 16-cv-3293 requesting more time to respond to the meet and confer. On April 10, 2019, Defendants also received a phone call from plaintiff's counsel informing them that they had just contacted plaintiff's spouse who intends to pursue her action and will complete probate paperwork soon. Defendants responded that they would file the motion in order to reserve a hearing at the next status conference but would withdraw the motion as to these plaintiffs if a stipulation for dismissal with prejudice is reached in the future.

3. On April 10, 2019, Defendants received an email from counsel for *Wollam*, 17-cv-0039, requesting until April 18, 2019 to verify plaintiff's death and comply with PTO 23 since "the attorney primarily handling the file is out on maternity leave." Defendants responded that they would file the motion in order to reserve a hearing at the next status conference but would withdraw the motion as to *Wollam* later if a stipulation for dismissal with prejudice is reached in the future.

4. Plaintiffs Norton and Wireman filed suggestions of death on April 10, 2019, immediately after Defendants' email to meet and confer.

Hence, counsel for Plaintiffs and Defendants were unable to reach an agreement to stipulate to dismiss with prejudice the above-listed cases.

Dated: April 11, 2019

Respectfully submitted,

*s/Benjamin W. Hulse*

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